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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,818	10/18/2000	Noriaki Hashimoto	83115-002	3661
6449	7590	01/27/2005	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C.			COLIN, CARL G	
1425 K STREET, N.W.			ART UNIT	
SUITE 800			PAPER NUMBER	
WASHINGTON, DC 20005			2136	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

09/690,818

**Applicant(s)**

HASHIMOTO, NORIAKI

**Examiner**

Carl Colin

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. In response to communications filed on 8/20/2004, applicant amends claims 16 and 21 to overcome the objection from the previous Office action. The following claims 1-23 are presented for examination.

2. The amendments to the claims, filed on 8/20/2004 have been considered. The objection to claims 16 and 21 has been withdrawn with respect to the amended claims.

2.1 Applicant's remarks, pages 10-13, filed on 8/20/2004, with respect to the rejection of claims 1-23 have been fully considered, but they are not persuasive. Applicant argues that Maria does not teach claim 9 by stating that Maria functions differently and incapable of determining when the source IP address has been changed from the source IP address assigned to a particular computer. Examiner respectfully disagrees and asserts that Maria teaches the claimed features of the claimed invention as claimed. Applicant also argues "Maria fails to disclose storing an IP address assigned to a user computer and comparing the originating IP address of a data packet received from that user computer with the stored IP address assigned to the user computer, and then denying the user computer an access to the network." The Office Action provides citation of the claimed features as claimed. Maria discloses the storing of user IP address, the comparing with the stored IP address and the denying/restricting access based on the comparing (see also page 1, paragraphs 003 and 008). In response to applicant's argument that the references fail to

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show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., determination of when the user computer has altered its IP address from the IP address assigned) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to Applicant's arguments about terminating a connection, Applicant states that Maria does not suggest communicating with the network layer of the network device. Examiner respectfully disagrees. Maria discloses a prior art that teaches communicating with the network layer of the network device for terminating connection (page 1, paragraph 004). One skilled in the art would have been motivated to implement it for security concerns when security is a priority over speed. In addition, Maria suggests that any network configuration and topology can be used for practicing the disclosed invention including modification for any type of medium access technique (such as IEEE 802.2, 802.4, 802.5, 802.12), (page 5, paragraph 0056). For at least the reasons cited above, Applicant has not overcome the rejection. Therefore claims 1-23 remain rejected.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1),

(2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.1 **Claims 9 and 11-12** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication US2004/0073671 to **Maria et al.**

3.2 **As per claim 9, Maria et al.** teaches a method for preventing an unauthorized access to a network via a user computer which is connected to the network and to an access control system, for example (see page 3, paragraph 0028 and page 2, paragraphs 0016-0018) comprising: storing an IP address assigned to the user computer in a memory of the access control system, for example (see page 1, paragraph 0008); receiving a data packet from the user computer, for example (see page 3, paragraph 0038 and page 2, paragraph 0017) and comparing an originated IP address of the data packet with the IP address of the user computer stored in the memory of the access control system, for example (see page 1, paragraph 0008; claims 1-2 and 8; and abstract ); and denying the user computer an access to the network if the originating IP address of the data packet is different from the IP address of the user computer stored in the memory of

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the access control system, for example (see page 1, paragraph 0008 and page 3, paragraph 0041; claims 1 and 8 ); and teaches the limitation of wherein the access control system is located between the user computer and the host computer system, for example (page 2, paragraph 0017).

**As per claim 11, Maria et al.** discloses the limitation of further comprising updating the IP address of the user computer contained stored in the memory of the access control system, for example (see page 4, paragraphs 0043-0044).

**As per claim 12, Maria et al.** discloses the limitation further comprising deleting the IP address of the user computer from the memory of the access control system if the originating IP address of the data packet is different from the IP address of the user stored in the memory of the access control system, for example (see page 4, paragraph 0043 and page 5, paragraph 0053).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.1 **Claims 1-4, 5-8, 10, 13-15, 16-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication US2004/0073671 to **Maria et al.**

4.2 **As per claims 1, 5, and 13, Maria et al.** substantially teaches an access control system and method for preventing an unauthorized access to a network via a user computer connected to the network through a host computer system, for example (see page 2, paragraphs 0017-0018), the system comprising: a memory containing an IP address assigned to the user computer, for example (see page 1, paragraph 0008); and a microprocessor programmed to denying the user computer an access to the network if the originating IP address of the data packet is different from the IP address of the user computer stored in the memory of the access control system, for example (see page 1, paragraph 0008; claims 1 and 8; and abstract); and teaches the limitation of wherein the access control system is located between the user computer and the host computer system, for example (page 2, paragraphs 0016-0018). **Maria et al.** further discloses terminating connection, for example (page 3, paragraph 0032) and suggests different network connections using service providers and Internet connections (see page 4, paragraphs 0043-0044), well known in the art. The process of terminating connection between a user and a host is also well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method or system of **Maria et al.** to terminate connection between the user computer and the host computer system when an originating IP address of a data packet received from the user computer does not match the IP address assigned to the user computer that is contained in the memory. This modification would have been

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obvious because one skilled in the art would have been motivated to do so to provide further network security as suggested by **Maria et al.** (page 3, paragraph 0032, page 5, paragraph 0056).

**As per claims 2, 6, and 14, Maria et al.** discloses the limitation of wherein the microprocessor is further programmed to delete the IP address of the user computer from the memory when the originating IP address of the data packet received from the user computer does not match the IP address assigned to the user computer that is contained in the memory, for example (see page 4, paragraph 0044 and page 5, paragraph 0053).

**As per claims 3, 7, and 15, Maria et al.** discloses the limitation of, wherein the microprocessor is further programmed to update the IP address of the user computer contained in the memory, for example (see page 4, paragraph 0044).

**As per claims 4, 8, 23, Maria et al.** discloses the limitation of wherein the memory is a part of the microprocessor (see abstract).

**Claim 10** recites the same limitation found in the rejected claim 1. Therefore, **claim 10** is rejected on the same rationale as the rejection of **claim 1**.

**Claims 16 and 20-22,** recite some of the limitations of claims 1 and 5 except for using a secure network. Secure network topology or design is well known in the art. Therefore they are rejected on the same rationale as the rejection of claims 1 and 5. In addition, **Maria et al.**



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suggests that one can vary the network design by monitoring inbound or outbound in-flow or out-flow between network and network devices placing the access control system in different nodes, for example (see page 2, paragraphs 0016-0017). **Maria et al.** teaches the matching step as mentioned in the rejection of claim 1 and teaches a packet filter processor to protect network access that meets the recitation of secure network, for example (see page paragraph 0053). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the network design of **Maria et al.** to terminate connection between the user computer and the host computer system when an originating IP address of a data packet sent from the user computer for transmission to a node in the secure network does not match the IP address assigned to the user computer that is contained in the memory of the access control system. This modification would have been obvious because one skilled in the art would have been motivated to do so to prevent user from accessing another network such as the Internet as suggested by **Maria et al.** (page 1, paragraph 0032, page 5, paragraph 0056).

**As per claim 17, Maria et al.** discloses the limitation of wherein the user computer and the host computer system are connected via a Public Switched Telephone Network, for example (see page 4, paragraph 0049).

**As per claim 18, Maria et al.** discloses using PSTN network between host and user (see page 4, paragraph 0049) and discloses that packet filter processor include can interface with DTE, for example (see page 2, paragraph 0024). It is obvious to one skilled in the art that the disclosure of Maria meets the recitation of a host computer system comprises an access server

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and a plurality of modems and wherein the access control system is located between the access server and the plurality of modems. Such interconnection is also well known in the art.

As per claim 19, **Maria et al.** discloses using a LAN interface (see column 3, lines 25-35). It is apparent to one skilled in the art that any of the network can be a local area network as it is well known in the art and without departing from the spirit and the scope of the invention. Therefore, **Maria et al.** disclosure meets the recitation of the limitation of wherein the host computer system and the user computer are connected via a local area network (see claim 10).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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5.1 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art discloses method and apparatus for verifying user IP address for accessing a network.

US Patents:	5,684,951	Goldman et al.
	6,427,170	Sitaraman et al.
	6,070,243	See et al.

5.2 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

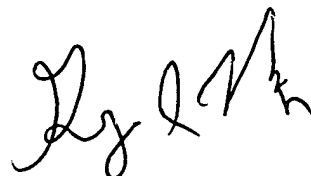
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Carl Colin

Patent Examiner

January 22, 2005



GREGORY MORSE  
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